



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

OCT 26 2012

Mr. Samir Sheikh
Director of Strategy & Incentives
San Joaquin Valley Air Pollution Control District
1990 E. Gettysburg Avenue
Fresno, California 93726

Dear Mr. Sheikh:

Thank you for the opportunity to review the October draft of the District's 2012 PM_{2.5} plan, which reflects extensive work by District and Air Resources Board (ARB) staff since the draft released in June. We appreciate your responses to our comments on the June draft and look forward to additional conversations as the District and ARB develop the final plan. We provide preliminary comments below and note that we may provide additional comments as we have more time for review, particularly regarding the draft weight of evidence document that was posted on October 16, 2012. In addition, we have not yet completed our review of the modeling analysis and underlying emissions data, and will submit additional comments after the modeling report has been released for public comment.

Requirements for Reasonably Available Control Measures and Expeditious Attainment Demonstration

We appreciate the work that the District has done to identify and evaluate potential controls and encourage your ongoing work to thoroughly evaluate possible reasonably available control measures (RACM) and their potential to expedite attainment of the PM_{2.5} standards in the San Joaquin Valley. Under EPA guidance, the determination of RACM starts by identifying and listing available control measures, including those suggested in public comments. The State should then evaluate the economic and technological feasibility as well as potential emission reductions from each listed measure. Finally, those measures found to be economically and technologically feasible that could individually or collectively advance attainment by a least one year should be included in the plan. See, in general, 72 FR 20586 (April 25, 2007) at 20612 and 57 FR 13498 (April 16, 1992) at 13560.

The expeditious attainment and RACM demonstrations in the draft plan are limited to just Kern County because the plan projects attainment by no later than 2017 at all locations except for the Bakersfield-California Avenue monitor. To support limiting these demonstrations to just Kern County, the final plan should clearly document how the projected attainment dates for the other monitors were determined. In addition, the RACM analysis should include a thorough and systematic analysis of the three steps summarized in the previous paragraph.

Documentation of Interpollutant Trading Ratios

The draft plan relies on interpollutant trading ratios of 8:1 PM_{2.5} to NO_x and 1:1 PM_{2.5} to SO_x to meet the attainment contingency measure requirement. The final plan needs to document the methods and

results used to derive these ratios. This documentation should also explain why the methods are reasonable for contingency measures (and transportation conformity, if the plan intends to include a trading mechanism for transportation conformity purposes). ARB has performed extensive sensitivity analyses using photochemical modeling, and any interpollutant trading ratios proposed should be consistent with the results of these analyses and should account for the variability of pollutant and precursor relationships across the air basin.

Contingency Measures

To meet the requirement for contingency measures for failure to attain, the draft plan currently relies on new emissions reductions that will occur in 2020, the year after the attainment year, reductions in 2019 from the use of incentive funds, and excess reductions in 2019 from prohibitory rules that the District has committed to adopt in 2013 and 2014. See section 9.6. All reductions used to meet the contingency measure requirement should be for the same year.

Clean Air Act section 172(c)(9) requirements for contingency measures cannot be fulfilled with commitments to adopt measures in the future. Therefore, the final plan cannot rely on emission reductions from new and/or revised requirements in Rules 4692, 4901 and 9610 (and, potentially, associated District rules generating incentive funds) as meeting the contingency requirement until the District adopts and EPA approves these new/revised requirements. In addition, for on-going incentive programs, the District should include an analysis in the plan supporting the specific emission reductions claimed. This should include, for example, discussion of: (1) the funding level needed to achieve the claimed emission reduction, (2) the expected sources of this funding, (3) the basis for assuming that sufficient funding will be available, and (4) the likely source categories and calculation assumptions that could result in sufficient reductions that would be surplus as assumed by the plan.

The draft plan credits towards the attainment contingency provisions the NO_x reductions occurring in 2020 from all sources in the emissions inventory. Historically, EPA has allowed the use of emissions reductions occurring from turnover in the on-road and off-road fleets in the year after the attainment year as contingency measures because these reductions are from identifiable measures. If the District intends to use incremental reductions in 2020 from non-mobile source measures for contingency purposes, the final plan will need to identify these measures and their incremental reductions. We also suggest that the final plan document the portions of the 2020 inventory relied on for contingency measures.

Finally, the proposed contingency measures also include most of the reductions from the new charbroiling and wood burning controls, excluding only those reductions in Kern County that are used to demonstrate attainment at the Bakersfield-California Avenue monitor. We recommended that the final plan document that these non-Kern County reductions are not included in the modeled attainment demonstration and therefore are truly excess.

Documentation of the Baseline Emissions Inventory

The 2008 PM_{2.5} plan projected SO_x levels, including controls, at 21 tpd in 2014 while the draft 2012 plan projects 9 tpd in the same year. We suggest that an explanation for this substantial change in the SO_x inventory be included in Appendix B.

Comments on Rules Relied on for Attainment or Contingency

Rule 4692, Commercial Charbroiling (D.5.1): We note that the draft plan relies heavily on reductions from this category and support SJVAPCD's plan to regulate underfired charbroilers. We are working to provide about \$35,000 to support SCAQMD's rule development efforts and encourage SJVAPCD to consider supporting this as well, although we recognize that SJVAPCD already allocates considerable funding to install and demonstrate retrofit controls at existing facilities.

Rule 4901, Wood Burning Fireplaces (D.5.2): We support SJVAPCD's plans to lower the curtailment level. Because the attainment plan relies on reductions from this category, the District should additionally consider revised wood burning device requirements. Specifically, please consider: (1) prohibiting the sale or installation of any uncontrolled, traditional fireplaces in new or existing development (e.g., Sacramento Rule 417); and (2) requiring stronger standards (consistent with the wood burning device NSPS under revision) sooner for new construction and for use with incentive/change-out funds to accelerate reductions.

Rule 9610, Creditability of Incentives (5.3.1): Incentive programs are a large component of the District's plans for future reductions, and we previously sent initial thoughts on important elements for the District's framework for crediting to the SIP these emission reductions. We look forward to working with you and other stakeholders to ensure that reductions credited to incentive programs are real, permanent, quantifiable, enforceable and surplus.

Ammonia Controls

ARB's preliminary sensitivity modeling results presented at recent public meetings show that reductions in ammonia emissions were comparable to the reduction needed in 2019 at the Bakersfield-California Avenue for attainment. These results suggest that ARB and the District should analyze whether there are available feasible and reasonable ammonia controls that could deliver the comparable emission reductions.

Additional Comments on Rules that Might Impact RACM

Rule 4702, Internal Combustion Engines (D.1.7): We have noted that there may be additional cost-effective emission reductions available from this category (e.g., our 8/5/11 and 7/11/12 comments). For example, the District's RACM analysis should ideally include:

- Evaluation of why the 11 ppm NO_x limit applicable to all SCAQMD engines is/is not similarly technically and economically feasible for all engines in SJV.
- Quantification of all existing engines (including number of engines, rating, spark/compression, whether they are subject to any rule exemptions) and their contribution to the inventory.
- Analysis of whether additional emission reductions are available by eliminating rule exemptions (Section 4.0).

In addition, we believe the following errors in section D.1.7 of the plan should be corrected.

- Page D-51 states that SJV limits are as stringent as SCAQMD. However, SCAQMD Rule 1110.2 limits NO_x from all engines to 11 ppm while analogous SJV limits are from 11 - 150.

- Page D-51 states that “Current Rule 4702 (requires) combustion of PUC-quality natural gas, or other equivalent ultra-low sulfur fuels.” This requirement is not obvious in Rule 4702. Please clarify where the requirement for all engines to burn ultra-low sulfur fuels or PUC gas is included.
- Page D-52 states that “Agricultural operations are still in the process of implementing the new standards under Rule 4702, with compliance dates ranging from 2009 through 2018.” The District should clarify that the compliance date for spark-ignited engines was 2009.

Rule 4103, Open Burning (D.3.1): Page 9 of the District’s response to comments (10/9/12) argues that alternatives to citrus burning are not economically feasible at farms smaller than 3,500 acres. Please explain how the District arrived at the 3,500 acre feasibility threshold, and why, given the uncertainty in citrus economic feasibility, analyzing individual burns is required for all nut farmers wishing to burn > 20 acres, but not for citrus farmers of similar size. We appreciate that Rule 4103 has greatly reduced emissions, particularly on days projected for elevated ambient concentrations, and that SJVAPCD estimates that citrus burning is currently a very small source.

Excess Emissions: Please consider further controls to reduce emissions during start-up, shutdown and upset conditions. For example, SJVAPCD states that solid fuel fired boilers (Rule 4352) need extended start-up after complete boiler shut-down (page D-46), but has not provided CEMs data to substantiate the extended time or analyzed different start-up limits tailored to different fuels, particularly in light of more stringent limits elsewhere (e.g., Placer Rule 233, Section 302.1.3 and Yolo-Solano Rule 2-43, Section 302). SCAQMD’s September 2012 draft AQMP (pages 4-22, 4-28 and IV-A-85) seeks to reduce these emissions and indicates that “Opportunities for further reducing emissions from start-up, shut-down and turnaround...may exist at refineries as well as other industries,” (id, page 4-28). We recommend that SJVAPCD include a commitment in the plan to investigate such opportunities in SJV.

Commitment Deadlines

We recommend adding specific deadlines for SJVAPCD’s intentions/commitments in the plan to perform additional analysis, including those listed in section 5.4 and page 9-2. For example:

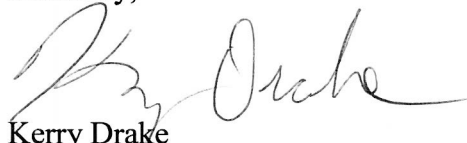
- Page 5-20 (Rule 4311, Flares) commits to review FMPs against annual flare reports to ensure FMP compliance and that emissions are reasonably reduced. In addition to adding a near-term deadline, please revise this commitment to clarify that the analysis will use the annual reports to compare the current flare inventory (for NO_x, SO_x, VOC and condensable particulates) to the inventory prior to the FMP requirement.
- Page 5-20 (Rule 4550, Conservation Management Practices) states that SJVAPCD will continue evaluating current and potential CMPs for more effective options for reducing emissions, but does not identify a deadline.
- Page 5-21 (Rule 4106, Prescribed Burning) commits to consider chipping and burn boxes as an alternative to burning for communities subject to fire hazard reduction burning (as done in Placer County), but does not identify a deadline.
- Page 5-21 (SC 005 Asphalt Concrete) recommends further study of warm-mix technologies that may reduce emissions cost effectively, but does not identify a deadline.

Risk Based Strategy

The plan cites EPA guidance referring to methods local air quality plans can use to maximize health benefits and minimize risk inequality. We recommend the plan discuss methodologies that the District intends to use.

Thank you again for the opportunity to comment on the October draft of the PM_{2.5} plan. Thank you also for continuing to work with us, ARB, the Metropolitan Planning Organizations (MPOs) and all stakeholders to ensure that the 2012 PM_{2.5} plan provides expeditious attainment of the 35 µg/m³ 24-hour PM_{2.5} standard in the San Joaquin Valley and to address community and industry concerns. EPA Regional Administrator, Jared Blumenfeld, has committed that EPA will be involved with you prior to the plan's adoption and appreciates your willingness to facilitate that. Feel free to contact me at (415) 947-4157 if you have questions in this regard.

Sincerely,



Kerry Drake
Associate Director, Air Division

